

NO. 23735

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

KAHUI PONO, LLC, and ELIZABETH U. SAFFERY,
Trustee of the NANI E. SAFFERY TRUST,
Plaintiffs/Counterclaim Defendants-Appellees

vs.

HELEN HOOPAI and JOSEPH H. D'ALBA, Defendants/Counterclaimants/
Cross-Claimants/Cross-Claim Defendants-Appellants

and

IVANELLE KUULEIALOHA MOUNTCASTLE CHOY, et al.,
Defendants/Cross-Claim Defendants-Appellees

APPEAL FROM THE SECOND CIRCUIT COURT
(CIV. NO. 98-0879)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama,
Ramil, and Acoba, JJ.)

Upon review of the record, it appears that the judgments entered on August 2, 2000 and August 8, 2000, together resolve all claims asserted in Civil No. 98-0879, but a judgment resolving all the claims has not been entered pursuant to HRCP 58; see Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119-120, 869 P.2d 1334, 1338-39 (1994) (In a multi-claim, multi-party circuit court case in which all claims of all the parties have been resolved, an appeal may be taken after entry of a judgment that, on its face, resolves all claims of the parties.). Certification of the August 2, 2000 and August 8, 2000 judgments under HRCP 54(b) is of no legal effect inasmuch as all of the quiet title, partition, and easement claims have been resolved and the sale of the partitioned parcels and distribution

of the proceeds is merely incidental to enforcement of the partition claims. Absent entry of a judgment that resolves, on its face, all claims asserted in Civil No. 98-0879, the appeal of the August 2, 2000 and August 8, 2000 judgments is premature.

Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, December 26, 2000.